

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

_____	)	
G. KENT PLUNKETT,	)	
Plaintiff,	)	
	)	
vs.	)	CIVIL ACTION NO.: 04 CV 10765 NG
	)	
VALHALLA INVESTMENT	)	
SERVICES, INC., et al.	)	
Defendants.	)	
_____	)	

**JOINT MOTION TO EXTEND THE DEADLINES  
SET FORTH IN THE PARTIES DISCOVERY PLAN**

Plaintiff G. Kent Plunkett (“Plaintiff” or “Plunkett”) and defendants Valhalla Investment Services, Inc. (“Valhalla”) and Eric T. House (“House”) (collectively, the “Defendants”) respectfully request the Court to enter an order which extends the fact discovery deadline in this case until November 30, 2005, and which similarly extends all other deadlines set forth in the Discovery Plan contained in the parties’ Joint Scheduling Conference Statement. As grounds for this motion, the parties state as follows:

1. Plunkett filed this case against Defendants on April 15, 2004, alleging that Defendants breached their fiduciary duty to Plunkett, violated Section 10(b) of the Exchange Act, and violated Massachusetts General Laws Chapter 110A by mishandling a \$1,000,000 investment that Plunkett made with Defendants.

2. On January 31, 2005, the parties filed a Joint Scheduling Conference Statement in which they proposed the following Discovery Plan:

Joinder of Additional Parties – May 31, 2005

Fact Discovery Closes – September 30, 2005

Expert Witnesses Discovery Closes –	December 2, 2005
a. Expert Witness Reports on which Party Bears the Burden of Proof Due –	September 30, 2005
b. Expert Witness Reply Reports Due –	October 21, 2005
c. Expert Witness Rebuttal Reports Due –	November 4, 2005
Dispositive Motions Filed –	January 6, 2006
Final Pre-Trial Conference –	March 2006
Trial (3 days) –	April 2006 (or on Court's availability)

3. Pursuant to this Discovery Plan, the parties have diligently pursued discovery in this case. For example, both parties have served -- and responded to -- numerous document requests and interrogatories. Moreover, Plunkett has noticed the depositions of four witnesses, including Valhalla and House. Due to scheduling conflicts, though, the parties will not be able to complete these depositions until after the September 30 fact discovery deadline.

4. Moreover, the parties' counsel have participated in a Local Rule 37.1 conference to discuss discovery responses by the Defendants which Plunkett believes are inadequate. Although the parties are hopeful that they can resolve some of the discovery issues discussed during this conference, Plunkett anticipates filing a motion to compel in the near future with respect to those discovery issues that the parties' counsel are unable to resolve.

5. Defendants' counsel has likewise notified Plunkett's counsel that he intends to schedule a Local Rule 37.1 conference to discuss discovery responses by Plunkett that Defendants believe are inadequate.

6. Apart from attempting to resolve their discovery disputes, counsel for the parties are also in the process of exchanging documents and information which may prove helpful in reaching a settlement in this case.

7. Finally, the Court recently entered an Order of Reference for Alternative Dispute Resolution, in which it referred this case to mediation.

8. The parties therefore request an order extending the fact discovery deadline in this case -- and all other deadlines -- so that they can complete additional deposition discovery, resolve outstanding discovery disputes, and explore the possibility of settlement both on their own and through the Court's ADR program.

9. No party will be prejudiced by this extension.

10. No trial date has been scheduled in this matter.

WHEREFORE, for the reasons set forth above, the parties respectfully request that this Court enter an order which extends the fact discovery deadline in this case until November 30, 2005, and which similarly extends all other deadlines set forth in the Discovery Plan contained in the parties' Joint Scheduling Conference Statement.

G. KENT PLUNKETT

By his attorney,

/s/ H. Joseph Hameline  
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Dated: September 30, 2005

LIT 1543757v1